



TEXAS DEPARTMENT OF HEALTH
AUSTIN, TEXAS
INTER-OFFICE MEMORANDUM

TO: Regional Directors
Directors, Local Health Departments
Directors, Independent WIC Local Agencies
Herman Horn, Chief, Bureau of Regional/Local Health Operations

FROM: Gerry Cannaday, Acting Chief
Bureau of Nutrition Services *Gerald Cannaday*

DATE: December 17, 1999

SUBJECT: Revised Policy FD: 22.1, Selection of Allowable Foods

Policy FD: 22.1, Selection of Allowable Foods, was revised effective November 1, 1999. Attached are two copies of the policy, one which indicates the changes to the policy which you may choose to use for training purposes, and a second copy which is the official final policy. The version which shows changes is somewhat different from what you are used to seeing. This new format is a result of a requirement to conform to the conventions used in presenting rules changes to the Board of Health. Changes which are deletions are indicated in bold brackets (i.e., **[deleted words]**). Changes which are new wording are underlined (i.e., new words). A summary of the changes to the policy is also attached.

If you have any questions, please contact Valerie Wolfe, Policy Director, at (512) 458-7111 extension 2072 or by email valerie.wolfe@tdh.state.tx.us. This policy can also be accessed from the WIC website's on-line Policy and Procedure Manual at <http://www.tdh.state.tx.us/wichd/>.

Attachments

Summary of Changes to FD: 22.1, Selection of Allowable Foods
Effective November 1, 1999

This policy was revised to reflect the current food selection process, define authorized and unauthorized foods and make references to related policies. The following is a summary of the revisions:

1. Revisions related to the food selection process and effective date:

- a. Adding cultural acceptability and nutritive value to the criteria for approving products. Deleting “statewide availability.”
- b. Deleting the effective date of January 1 to allow an open ended effective date.
- c. Adding the “Request for Information” (RFI) as a procedure in the selection of allowable foods. Cereal and juice manufacturers may contact the state office to be added to a notification list for RFIs.
- d. Adding that WIC reserves the right to restrict the number of types of any products in order to contain the cost of the food package and minimize confusion for participants.
- e. Adding that WIC is not obligated to authorize every available food that meets federal requirements.

2. Revisions related to authorized and unauthorized foods:

Milk

- a. Adding the terms “reduced fat,” “lowfat,” and “fat-free” to reflect current FDA labeling regulations.
- b. Specifying goat’s milk, sweetened condensed milk and evaporated filled milk are not allowed.
- c. Adding half gallon and gallon sizes for lactose free milk.
- d. Making reference to policy FD: 11.2 to explain traditionally least expensive brands.
- e. Adding cultured buttermilk as allowable.

Cheese

- a. Adding Colby-Jack.
- b. Changing package size from no less than 8 oz. to no package sizes less than 10 oz.
- c. Changing the requirement to buy the least expensive brand to allow the purchase of any of the approved cheeses, not to exceed the maximum price allowed on the food instrument.
- d. Deleting the ban on “lite” or reduced-fat cheese.

Cereals

- a. Changing the requirement that a cereal be available statewide to requiring the cereal be a currently retailed product or for retail purchase on or before the effective date of the approved food list.
- b. Changing package size from no less than 9 ounces to no less than 10 ounces.
- c. Adding consideration of culturally acceptable cereals and cereals targeting specific ethnic groups.
- d. Changing the right to authorize up to 15 brands of cereals to the right to determine the number and brands of cereal.
- e. Adding the minimum requirements for iron and sugar.

Juice

- a. Adding pineapple/grapefruit and vegetable juice to authorized juices.
- b. Deleting the requirement that juice be available in retail stores in Texas for one year prior to the effective date; adding that the product shall be available for retail purchase on or before the effective date of the approved foods list.
- c. Making reference to policy FD: 11.2 explaining the traditionally least expensive brand policy.
- d. Changing the container size for frozen juice to 11.5-12 oz. containers.
- e. Adding the minimum requirements for vitamin C.
- f. Adding that fluid juice in cardboard containers is not allowed.

Eggs

- a. Specifying fertile, brown or free-range eggs are not allowed.
- b. Specifying extra large and jumbo eggs are not allowed.

Bean/Peas/Lentils

- a. Adding lentils for clarity.

Peanut Butter

- a. Added that peanut butter with honey is not allowable.

Tuna

- a. Specifying 3.25 ounce cans of tuna are only for the homeless package.
- b. Specifying tuna packed in oil is not allowed.

Carrots

- a. Changing 14.5 ounce cans to 14 to 16 ounce cans.

Infant formula

- a. Deleting statement that “Exception Formulas” are approved on a case-by-case basis by department staff or designated local agency staff. This refers to non-contract formula which is covered in the non-contract formula policy.
- b. Deleting statement requiring that new formula products shall be available in retail stores in Texas for one year prior to request for approval.

Infant cereal

- a. Adding statement that WIC reserves the right to solicit through a competitive bid process rebates for infant cereal.
- b. Adding the minimum requirements for iron.

Miscellaneous

- a. Changing term “vouchers” to “instruments.”
- b. Updating references to other policies.

TEXAS WIC PROGRAM

SUBJECT: **SELECTION OF ALLOWABLE FOODS**

POLICY NO: **FD: 22.1**

EFFECTIVE DATE: November 1, 1999 REPLACES POLICY DATED: June 1, 1995

REF: 7 CFR §246.10

POLICY

Criteria for approving products for inclusion in the WIC food package are based on Federal Regulations, packaging, cost, cultural acceptability, and nutritive value.

PURPOSE

To provide standards for the selection of approved foods for Texas WIC food packages.

PROCEDURES

- I. A product shall meet the Federal Regulations governing the WIC food package in order to be considered for approval through the Texas WIC Program.
- II. In addition to the criteria specified in this policy, WIC reserves the right to restrict the number of brands and types of any products in order to contain the cost of the food package and minimize the confusion for WIC participants. WIC is not obligated to authorize every available food that meets federal requirements.
- III. The Texas WIC Program will review its list of allowable foods annually to determine the need for adding or deleting food products.
 - A. If the WIC Program determines a need to change the list of allowable foods, it will notify both juice and cereal manufacturers of that intent through a "Request for Information" (RFI) in conformance with the Texas Department of Health (TDH) rules.
 - B. Juice and cereal manufacturers may contact the Texas WIC Program at any time during the year to have their names added to the mailing list for the RFI.
- Iv. Milk
 - A. Any brand of unflavored fresh whole, reduced fat (2 %), **lowfat (1/2 % or 1 %)** or fat-free (nonfat or **skim**) cow's milk including cultured buttermilk marketed in Texas containing or fortified with vitamins A and D to meet the federal standards.

1. Only gallon and half gallon plastic or paper cartons are allowed.
 2. “High Calcium” fluid milk is not allowed.
 3. Goat’s milk is not allowed.
 4. Authorized vendors are required to redeem WIC food instruments for the traditionally least expensive brand they have available. Refer to Policy FD: 11.2 .
- B. Fluid milk with added enzymes, such as lactose-free milk, may qualify in quart, half gallon, and gallon containers. Brands are approved by WIC as needed.
- C. Any brand of whole or fat-free (non-fat) evaporated cow’s milk marketed in Texas containing or fortified with vitamins A and D to meet the federal standards.
1. Only 12 ounce cans are allowed.
 2. Evaporated filled milk is not allowed.
 3. Sweetened condensed milk is not allowed.
 4. Authorized vendors are required to redeem WIC food instruments for the traditionally least expensive brand they have available. Refer to Policy FD: 11.2.
- D. Any brand of non-fat, dry, powder milk marketed in Texas containing or fortified with vitamins A and D to meet the federal standards.
1. Non-fat, dry, powder milk may be issued in 9.6 oz., 25.6 oz., and 64 oz. boxes.
 2. Authorized vendors are required to redeem WIC food instruments for the traditionally least expensive brand they have available. Refer to Policy FD: 11.2.

V. Cheese

- A. Any unflavored domestic brand of pasteurized processed American, Monterey Jack, Colby, Colby-Jack, Natural Cheddar, Longhorn or Mozzarella cheese in block or sliced form.

1. Package sizes smaller than 10 ounces are not allowed.
2. Shredded or individually wrapped slices of cheese are not allowed.
3. Cheese foods or cheese spreads are not allowed.
4. Authorized vendors are required to redeem WIC food instruments for any of the listed cheeses, not to exceed the maximum price specified on the food instrument.

VI. Cereals

- A. Cereal brands shall meet federal guidelines for sugar and iron content: a minimum of 28 milligrams of iron per 100 grams of dry cereal, and not more than 21.2 grams of sucrose and other sugars per 100 grams of dry cereal (6 grams per ounce).
- B. The product form and marketing approach shall be consistent with the promotion of good nutrition and education.
- C. A cereal brand shall be a currently retailed product or for retail purchase on or before the effective date of the approved food list . If the product is not in stock on store shelves at this time, it will not be considered.
- D. No package size less than 10 ounces. WIC reserves the right to further limit the package size(s) authorized for a brand. For example, a brand may be available in 12 oz., 18 oz., and 36 oz. sizes. WIC may authorize only the 36 oz. size.
- E. Culturally acceptable or cereals targeting specific ethnic groups shall be considered.
- F. If cereals from one manufacturer have similar names and package designs and some do not qualify, WIC reserves the right to not approve those types that would otherwise qualify, to reduce the potential for confusion by retail vendors and participants.
- G. WIC reserves the right to determine the number and brands of cereal which shall include at least one hot cereal and at least one cereal from each grain group. Grain groups are defined as corn, wheat, oat, rice or multi-grain.

- H. In general, brands of cereals authorized shall be the least expensive brands per ounce within the respective grain groups. WIC reserves the right to substitute a more expensive brand with higher fortification and/or lower sugar content than a less expensive brand. WIC also reserves the right to consider consumer acceptability as well as the suitability for children (i.e. **finger** food, texture in milk) in its selection criteria.

VII. Juice

- A. All juices shall meet the federal guidelines for Vitamin C content: single strength fruit or vegetable juice, or both, a minimum of 30 milligrams of vitamin C per 100 milliliters; or frozen concentrated fruit or vegetable juice, or both, a minimum of 30 milligrams of vitamin C per 100 milliliters of reconstituted juice.
- B. Juices shall be 100 percent juice and contain no added sugar, sweeteners or artificial sweeteners.
- C. Only orange, grapefruit, grape, pineapple, apple, orange/grapefruit, orange/pineapple, pineapple/grapefruit, and vegetable juices are authorized.
- D. Fluid juice shall be packaged in a 46 ounce can container. Frozen juice shall be packaged in 11.5 - 12 ounce containers. Fluid juice for the special homeless package shall be packaged in a 6 ounce can. WIC reserves the right to limit the packaging of specific types of juice due to pricing or other considerations.
- E. Fluid juice in glass, plastic, or cardboard containers is not allowed.
- F. The product form and marketing approach shall be consistent with the promotion of good nutrition and education.
- G. If juices from one manufacturer have similar names and package designs and some do not qualify, WIC reserves the right to not approve those types that would otherwise qualify, to reduce the potential for confusion by retail vendors and participants. Canned and frozen varieties of juice with the same brand name shall be evaluated separately.
- H. The product shall be available for retail purchase on or before the effective date of the approved food list, or it will not be considered.
- I. Authorized vendors are required to redeem WIC food instruments for the traditionally least expensive brand of each type and size package size of juice.

Refer to Policy FD: 11.2.

VIII . Eggs

- A. Only fresh grade A or grade AA large, medium, or small chicken eggs are allowed.
- B. Fertile, brown, or free-range eggs are not allowed.
- c. Eggs shall be packaged in cartons of a dozen count.
- D. Extra large or jumbo eggs are not allowed.

IX. Beans/Peas/Lentils

- A. All brands of dried beans, peas, or lentils are approved in one pound packages or bulk.
- B. Mixed or seasoned beans, peas, or lentils are not allowed.

X. Peanut Butter

- A. Any brand of peanut butter in an 18 ounce container qualifies as long as it does not contain other ingredients such as jelly, marshmallows, or honey.
- B. “Low fat” or "lite" peanut butter is not allowed.

XI. Tuna

- A. Any domestic brand of **chunked** light tuna packed in water in a 6 ounce can. Tuna packed in 3.25 ounce cans shall only be issued for the homeless package.
- B. Albacore/solid white tuna is not allowed.
- C. Tuna packaged with other items such as crackers or relish is not allowed.
- D. Tuna packed in oil is not allowed.

XII. Carrots

- A. All one pound or two pound cello bags of fresh, large carrots without tops are allowed.

- B. All 14 to 16 ounce cans of sliced carrots are allowed.
- C. Baby carrots are not allowed.
- D. Frozen carrots are not allowed.

XIII. Infant Formula

- A. Infant formulas shall be registered with the Food and Drug Administration (FDA) as complying with the legal definition of infant formula.
- B. Formulas shall comply with calorie and iron content prescribed by the Federal WIC regulations, except as provided for in policy FD: 24.2. regarding non-contract formula.
- C. The formula shall have been approved by USDA for use in the WIC Program.
- D. The product form and marketing approach shall be consistent with the promotion of good nutrition and education.
- E. WIC reserves the right to solicit through a competitive bid process rebates for infant formulas. The formulas selected shall be designated as the primary milk base and soy base brands authorized for participants.

XIV. Infant Cereal

- A. Infant cereals shall meet federal guidelines for iron content: a minimum of 45 milligrams of iron per 100 grams of dry cereal.
- B. Infant cereal with added fruit, sugar or other ingredients is not allowed.
- C. Cereals shall be dehydrated flakes in 8 ounce or 16 ounce boxes.
- D. WIC reserves the right to solicit through a competitive bid process rebates for infant cereals.